

(5) Stabilizing disposal areas for liquid and solid wastes;

(6) Improving plant diversity and lengthening the grazing season on dryland pastures and rangelands;

(7) Managing brush on mountain slopes with fire-retarding plant cover to reduce the possibility of fires that threaten life and property or result in serious sediment sources;

(8) Improving the effectiveness of windbreaks and shelterbelts for reducing airborne sediment, controlling snow drifting, and preventing crop damage from wind erosion;

(9) Protecting streambank, pond, and lake waterlines from erosion by scouring and wave action;

(10) Improving wildlife food and cover, including threatened and endangered and pollinator species;

(11) Selecting special purpose plants to meet specific needs for environment protection and enhancement;

(12) Selecting plants that tolerate air pollution agents and toxic soil chemicals;

(13) Selecting plants that mitigate odor, PM-10, and PM-2.5;

(14) Testing plants for biofuels and other energy-related activities; and

(15) Evaluating plants and techniques to combat invasive plant species and for reestablishment of desirable species after eradication.

§ 613.3 NRCS responsibilities in plant materials.

NRCS operates or enters into agreements with State universities or other State organizations to operate plant materials centers. Also, NRCS cooperates, both formally and informally, with other Federal, State, county, and nonprofit agencies or organizations on the selection of plants and evaluation of plant technology to increase the capabilities of plant materials centers. NRCS employs specialists for testing and selecting plant materials for conservation uses and the development of plant materials technology. NRCS responsibilities are to:

(a) Identify the resource conservation needs and cultural management methods for environmental protection and enhancement.

(b) Assemble and comparatively evaluate plant materials at plant ma-

terials centers and on sites where soil, climate, or other conditions differ significantly from those at the centers.

(c) Make comparative field plantings for final testing of promising plants and techniques in cooperation with conservation districts and other interested cooperators.

(d) Release cooperatively improved conservation plants and maintain the breeder or foundation stocks in ways appropriate for particular State and plant species by working with experiment stations, crop improvement associations, and other State and Federal agencies.

(e) Produce limited amounts of foundation or foundation-quality seed and plants available by grant to or by exchange with conservation districts, experiment stations, other Federal and State research agencies, and State seed certifying organizations that will use the material to establish seed fields, seed orchards, or plantings for vegetative increase.

(f) Encourage and assist conservation districts, commercial seed producers, and commercial and State nurseries to produce needed plant materials for conservation uses.

(g) Encourage the use of improved plant materials and plant materials technology in resource conservation and environmental improvement programs.

§ 613.4 Special production of plant materials.

NRCS can produce plant materials in the quantity required to do a specific conservation job if this production will serve the public welfare and only if the plant materials are not available commercially. This function will be performed only until the plant materials are available commercially. Specific production of plant materials by NRCS requires the approval of the Chief.

§ 613.5 Plant materials centers.

(a) *The National Plant Materials Center.* The National Plant Materials Center at Beltsville, Maryland focuses on national initiatives and provides coordination for plant materials work across all 50 States. In addition, the

center provides plants and plant technology to address resource concerns in the mid-Atlantic region.

(b) *Other Plant Materials Centers.* There are 26 other plant materials centers; each serves several major land resource areas. Twenty-four of these centers are operated by NRCS and two by cooperating agencies as follows:

(1) Operated by NRCS: Tucson, Arizona; Booneville, Arkansas; Lockeford, California; Brooksville, Florida; Americus, Georgia; Molokai, Hawaii; Aberdeen, Idaho; Manhattan, Kansas; Golden Meadows, Louisiana; East Lansing, Michigan; Coffeeville, Mississippi; Elsberry, Missouri; Bridger, Montana; Fallon, Nevada; Cape May Courthouse, New Jersey; Los Lunas, New Mexico; Big Flats, New York; Bismarck, North Dakota; Corvallis, Oregon; Kingsville, Texas; Knox City, Texas; Nacogdoches, Texas; Pullman, Washington; and Alderson, West Virginia.

(2) Operated by cooperating agencies with financial and technical assistance from NRCS: Meeker, Colorado—White River and Douglas Creek Soil Conservation Districts with partial funding from NRCS.

(3) Operated by cooperating agencies with technical assistance from NRCS: Palmer, Alaska—State of Alaska, Department of Natural Resources.

PART 614—NRCS APPEAL PROCEDURES

Sec.

614.1 General.

614.2 Definitions.

614.3 Decisions subject to informal appeal procedures.

614.4 Decisions not subject to appeal.

614.5 Reservation of authority.

614.6 Agency records and decision notices.

614.7 Preliminary technical determinations.

614.8 Final technical determinations.

614.9 Program decisions.

614.10 Appeals before the Farm Service Agency county committee.

614.11 Mediation.

614.12 Transcripts.

614.13 Appealability review.

614.14 Computation of time.

614.15 Implementation of final agency decisions.

614.16 Participation of third parties in NRCS proceedings.

614.17 Judicial review.

AUTHORITY: 5 U.S.C. 301; 7 U.S.C. 6932 and 6995; and 16 U.S.C. 3822(a).

SOURCE: 71 FR 28245, May 16, 2006, unless otherwise noted.

§614.1 General.

This part sets forth the informal appeal procedures under which a participant may appeal adverse technical determinations or program decisions made by officials of the Natural Resources Conservation Service (NRCS), an agency under the United States Department of Agriculture (USDA). These regulations reflect NRCS policy to resolve at the agency level, to the greatest extent possible, disputes arising from adverse technical determinations and program decisions made by NRCS. Once a decision is rendered final by NRCS, participants may appeal to the National Appeals Division (NAD) as provided for under 7 CFR part 11, or the FSA county committee pursuant to 7 CFR part 780 for decisions rendered under Title XII of the Food Security Act of 1985, as amended, 16 U.S.C. 3801 *et seq.* (Title XII).

§614.2 Definitions.

The following definitions are applicable for the purposes of this part:

(a) *Agency* means NRCS and its personnel.

(b) *Agency record* means all documents and materials, including documents submitted by the participant and those generated by NRCS, upon which the agency bases its program decision or technical determination. NRCS maintains the agency record and will, upon request, make available a copy of the agency record to the participant(s) involved in the dispute.

(c) *Appeal* means a written request by a participant asking for review (including mediation) of an adverse NRCS technical determination or program decision under this part. An appeal must set out the reason(s) for appeal and include any supporting documentation. An appeal is considered filed when it is received by the appropriate NRCS official as indicated in the decision notice.

(d) *Chief* means the Chief of NRCS or his or her designee.